

**ADEQ Water Quality Division Workplan
FY 2006 Midyear - EPA Evaluations
Period: 7/1/05 thru 12/31/05**

DIRECTOR'S OFFICE - Data Management and Assessment Group

EPA Comments:

SDWIS: ADEQ's quarterly violations data uploads to SDWIS have been timely, with few errors, and have been delivered in the required xml format on schedule. ADEQ is now developing a work plan for contractor support to augment the SDWIS-State system with State-specific program requirements. The State has identified incorporation of data tracking needs for its Operator Certification program into SDWIS as a high priority. EPA continues to be supportive of ADEQ's transition to SDWIS-State and is ready to assist in ADEQ participation in EPA's level of effort contract support for SDWIS-State enhancements.

STORET: For EPA comments on STORET tasks see below in the Water Quality Monitoring Program.

PCS: For EPA comments on PCS tasks see below in the Compliance Section, Clean Water Act.

WATER PERMITS SECTION

Aquifer Protection & Drywell Activities:

EPA Comments: The December 7, 1999 Class V rule prohibited the construction of new motor vehicle waste disposal wells nationwide, and provided a schedule for the closure and/or conversion of existing motor vehicle waste disposal wells (40 CFR part 144.88, table 2.). The deadline for all existing motor vehicle waste disposal wells to close, convert or otherwise cease discharge of motor vehicle fluids is January 1, 2007. We are requesting input from ADEQ's Dry Well program to ensure that none of the dry wells are considered Motor Vehicle Waste Disposal Wells (MVWDW). We would also like input from ADEQ to update our list of MVWDW. We may ask for additional input from ADEQ concerning potential MVWDW activities, such as outreach, in Arizona.

The EPA Ground Water Office will be coordinating with the ADEQ's APP group on our UIC permitting activities, including our efforts at the UIC Class III facilities and the proposed El Paso Natural Gas Storage project.

AZPDES Program:

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EPA Comments: ADEQ has consistently maintained very high-quality permits and fact sheets in the first half of the year.

Backlog: Seven major and eleven minor permits have passed the expiration date, however, ADEQ appears to be in a good position to reduce backlog by the end of the year.

Storm Water Program: ADEQ's reissuance of the eight Phase I MS4 permits is indeed off target from the schedule in the workplan. Region 9 has offered to assist ADEQ to expedite the reissuance of these permits; we are currently discussing this matter with ADEQ. A decision from the Ninth Circuit is expected in the near future regarding the ADEQ program authorization and this has placed on cloud of uncertainty on the ADEQ program. Nevertheless, we are encouraging the State to proceed with permit development and issuance.

CAFOs: See Compliance Section, Clean Water Act.

COMPLIANCE SECTION

Safe Drinking Water Program:

EPA Comments: The EPA Drinking Water Section will provide an addendum to this report, as updated SNC data becomes available and EPA is able to properly evaluate ADEQ's drinking water enforcement efforts.

Clean Water Act (AZPDES):

EPA Comments: ADEQ does seem to be on target to meet the inspection goals for AZPDES inspections, including storm water and minor facilities. They are not on target to meet the inspection goals for CAFOs due to staffing issues. Follow-up on DMR violations for Minor facilities is still very slow. ADEQ is using an automatic notice that is sent out when a facility has not submitted DMRs, however, ADEQ still needs to put a procedure in place to deal with Minor facilities that are found to be in non-compliance with permit limits.

A decision from the Ninth Circuit is expected in the near future regarding the ADEQ program authorization and this has placed a cloud of uncertainty on the ADEQ program. However, ADEQ is continuing with inspections as planned.

Data Management: EPA is working on arranging additional training for ADEQ. EPA looks forward to ADEQ inputting into PCS in a timely manner so that the numbers more

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accurately reflect ADEQ's program.

Biosolids: Due to the absence of a biosolids coordinator at ADEQ since September, to our knowledge no inspections have been conducted yet in FY 2006. ADEQ has targeted for 24 inspections during FY 2006 (6 inspections of treatment plants and 18 inspections of land application sites). Biosolids annual reports for calendar year 2005, which wastewater treatment plants and land applicators were required to submit to ADEQ by February 19th, 2006, are not being reviewed to our knowledge. The annual reports review is necessary as it forms the basis for most compliance assistance and enforcement actions. While ADEQ in the past has required the annual reports to be submitted using a specific form, several facilities told EPA that they had not received the form for calendar year 2005 (and so were using the 2004 forms for their 2005 submittals).

CAFOs: EPA encourages ADEQ to maintain adequate staffing to continue its involvement with the CAFO Education Group and with USDA Natural Resources Conservation Service and AZ Department of Agriculture's effort to develop and implement nutrient management plans at dairies and other animal agriculture facilities.

DRINKING WATER SECTION

Ongoing Program Implementation:

EPA Comments: The Drinking Water Program continues to effectively carry out its day-to-day implementation activities. EPA appreciates ADEQ's agreement to conduct the early implementation activities of the Long Term 2 Enhanced Surface Water Treatment Rule and the Stage 2 Disinfectant Byproducts Rule, as well as those tasks supportive of EPA's implementation of the upcoming Unregulated Contaminant Monitoring Rule (UCMR2).

Meeting Federal Requirements:

EPA Comments: ADEQ now has formal EPA-granted extensions for the Arsenic, Radionuclides, Filter Backwash Recycle, and Long Term 1 Enhanced Surface Water Treatment Rules primacy revision packages. ADEQ will be implementing these rules under negotiated agreements with EPA. ADEQ continues to move towards incorporation by reference for these rules and towards revision of existing rules in the same manner. Although ADEQ published a proposed rulemaking in December 2004, the rule revisions have to be proposed again due to a substantial change issue. Although work is ongoing, EPA is concerned because the revised dates for re-proposal have "slipped" once more. EPA would like to see ADEQ's revised schedule for rule adoption. ADEQ and EPA continue to discuss with Arizona Department of Health Services' (ADHS) their ongoing work on revising the drinking water analytical regulations.

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Ensuring proper construction, operation and maintenance of public water systems:

EPA Comments: ADEQ=s Technical Engineering Unit (TEU) continues to conduct its reviews and approvals of proposed drinking water related construction projects within the State-established timeframes. ADEQ's efforts to internally review and update construction standards has moved slower than expected due to the unanticipated illness of the staff person assigned to this task. EPA continues to support ADEQ=s efforts to upgrade all areas of its complete primacy program, but would like clarification on the expected schedule for this rule revision.

ADEQ continues to implement the approved operator certification regulations and program. The annual report was prepared and submitted to EPA on schedule. The State reports action against 15 water systems that had not engaged a certified operator.

Capacity Development, Technical assistance and education:

EPA Comments: ADEQ continues to provide monthly educational opportunities for water systems and water system operators on a wide variety of topics such as regulatory training, nitrates and nitrites, ADEQ's arsenic compliance policy, ADEQ's arsenic point-of-use treatment guidance, water conservation, algal toxins, laboratory data interpretation, and source water protection. ADEQ has also begun its technical assistance program, whereby funding is directed to systems on the Capacity Development Program=s Master Priority List that are determined to need the most assistance.

ADEQ has discovered and reported that a number of new water systems have come into existence without having completed the new system capacity requirements (i.e. the "business plan," per AZ regulations). ADEQ identified internal procedural problems and a problem with the regulatory language, and is working to address these issues, including issuing notices of deficiencies to affected systems.

Improving water system security:

EPA Comments: ADEQ, through contractor assistance, has provided small water systems with training and technical assistance in vulnerability assessment (VA) and emergency response plan (ERP) preparation, as required by the Bioterrorism Act. It is slightly over a year since the compliance date of 12/31/04 for completion of small system ERPs passed. After final ADEQ efforts to ensure the greatest possible compliance rate with the Bioterrorism Act, EPA recently mailed out informal enforcement letters to noncompliant small systems. Due to ADEQ's efforts, only a small number of small systems received these letters.

ADEQ has recently scheduled four VA/ERP training courses throughout the state which

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will include emergency response tabletop exercises.

Assessing and protecting drinking water sources:

EPA Comments: ADEQ has done an excellent job of transitioning to SWP. They are responsive to EPA information requests, developed definitions and a tracking method to address EPA's SWP implementation goals, and targeted a priority contaminate (Underground Storage tanks). Their SWP program appears to have a focused and strategic direction.

EPA would like to learn more about: (1) ADEQ's SWP progress, priorities, and goals; (2) possible areas to partner in, such as targeted outreach and integration activities; and (3) recommendations for initiatives or projects where EPA assistance is needed.

EPA will convene an EPA/State SWP meeting in summer/fall 2006 and request ADEQ participation. Information will be provided to the SWP staff as it becomes available.

HYDROLOGIC SUPPORT AND ASSESSMENT SECTION

Water Quality Standards Development:

EPA Comments: ADEQ has provided EPA with a preliminary draft of the revisions to their Water Quality Standards that they propose to adopt during their triennial review process. The triennial review process now will fold-in the ongoing processes to develop and adopt implementation procedures for narrative nutrient criteria for lakes and reservoirs, for anti-degradation, and bottom deposits/clean sediment standards. The development of narrative toxics implementation procedures, however, is now to be addressed in a separate stakeholder process.

EPA has reviewed the preliminary draft of the revisions to their Water Quality Standards proposed by ADEQ, and has prepared written comments regarding key issues of concern, including the proposed de-designation of certain waters as Waters of the United States, and concerns about several other criteria which are proposed to be revised including turbidity criteria, suspended sediment concentrations, among others. While some delays were expected in particular areas in the development of criteria, continuing across the board delays should not become significant. EPA would like to work closely with ADEQ to ensure that steady progress is made in all areas of Water Quality Standards development and the triennial review process. EPA is looking forward to working closely with ADEQ to address all the issues of concern regarding Water Quality Standards, both in the triennial review process, and separately.

Water Quality Monitoring Program:

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EPA Comments: ADEQ needs to fulfill its annual upload from ADEQ's surface water monitoring database into EPA's STORET. The last entry was dated April 2003.

In FY2006, ADEQ has targeted monitoring in two basins, Upper Gila and Santa Cruz. Surface water monitoring projects appear on track. We look forward to receiving ADEQ's revised comprehensive monitoring strategy.

ADEQ continues to monitor mercury air deposition to support TMDL development. This includes wet deposition at Sycamore Canyon site and dry deposition via the Tekran instrument. We anticipate working together to support EPA HQ OWOW as they revise a national mercury air deposition study in FY06. This study relies on the numerical Regulatory Modeling System for Aerosols and Deposition (REMSAD model) to determine the relative contribution of mercury to lakes from various sources or source categories. REMSAD can "tag" up to 5 local mercury sources, can utilize both wet and dry deposition results and will be upgraded to grid size with fine resolution (12 km) in lower-48 states.

At ADEQ's request, EPA will provide assistance with fish tissue sampling to support the Priority Pollutant program. ADEQ has obtained their own permit to collect fish (instead of relying on AZ G&F staff). Lake Pleasant is highest priority for mercury in fish results.

TMDLs:

EPA Comments: ADEQ has been working hard to complete TMDL commitments, however, management changes and staff shortage has delayed most projects. EPA appreciates ADEQ's regular communication regarding the Alamo Lake mercury TMDL, which appears on track and should be provided to EPA in June 2006. EPA recently submitted minor comments for revision. EPA just received preliminary draft of Turkey Creek metals TMDL which is overdue from FY05. Ideally this will be finalized and submitted to EPA in summer 06, so the USFS can begin remediation (\$2.1M over 2 yrs). Lake Mary mercury TMDL also appears on track although air monitoring results may not be robust enough for completion in Oct. 06. EPA recognizes that Pinto Creek copper TMDL has been delayed due to site-specific standard development that has been prolonged by WQS triennial review process.

NPS Water Quality Improvement Grant Program:

EPA Comments: Major changes occurred including the departure of the program manager in November. The interim manager will be leaving soon. All grant functions were moved to the Planning Section. Thirteen new WQIG contracts were awarded in February. Program entered project information and load estimates into the national

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GRTS database on schedule. We need to discuss and plan where (and how) the program goes from here.

Nonpoint Source Program:

EPA Comments: Major changes occurred including the departure of the program manager in November. The Watershed Unit was split with grants and outreach moved to the Planning Section. TMDL implementation plans and follow-up monitoring may remain in new Surface Water Section. We need to discuss and plan where (and how) the program goes from here.

Water Quality Assessment and Listing:

EPA Comments: EPA received ADEQ's revised final 2004 Integrated Report, which incorporates listed waters that were added by EPA as well as those listed by ADEQ. We appreciate the extra effort to also provide the Assessment Database and supplementary information on CD.

ADEQ's WQ assessment calculator is now functioning and should ease staff efforts to evaluate all available electronic data for 305b/303d decisions. EPA looks forward to receiving ADEQ's next CWA 303(d) submittal in 2006.

Watershed Planning:

EPA Comments: ADEQ continues to effectively conduct CWA Sec. 208 amendments and updates. The program supports water quality while ensuring the infrastructure necessary to accommodate rapid growth as people continue moving to and/or around Arizona. All actions are coordinated with in the context of watersheds and reflect TMDL load and wasteload allocations. EPA funds support ADEQ staff as well as provide limited support to the States Council of Governments. ADEQ has done a good job managing these limited resources. EPA is encouraging the Council of Governments to take a more active role in sustainable development working with local governments and the development community.

PLANNING SECTION

EPA Comments: We continue to have good communication with the Water Quality Planning Section providing for quick resolution of grant-related issues. The Section submitted workplan amendments and quarterly reports in a timely manner. The NPS Water Quality Improvement Grants Program will be moving into the Planning Section.